



JOHN THELWALL.

THE
TRIAL AT LARGE
OF
JOHN THELWALL.

FOR
HIGH TREASON;
Before the SPECIAL COMMISSION,
AT THE
Sessions-House in the OLD-BAILEY:

BEGAN
On *Monday, December 1*, and continued until
Friday 5, 1794.

With the Whole Proceedings of the ATTORNEY and
SOLICITOR GENERAL on the Part of the Crown;

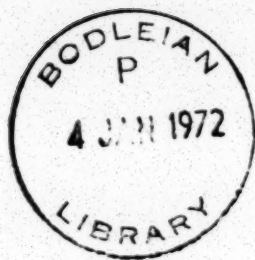
AND
Mr. ERSKINE and Mr. GIBBS for the Prisoner.

By JOHN NEWTON, Esq.

LONDON:

SOLD BY H. D. SYMONDS, NO. 20, PATERNOSTER-ROW.

[Price 1s.]



ACQUITTAL OF
BONNEY, KYDD, JOYCE and HOLCROFT.

Monday, December 1.

THE Court met at nine o'clock.

The Attorney General desired that John Augustus Bonney, Stewart Kydd, Jeremiah Joyce, and Thomas Holcroft should be brought up when those gentlemen were put to the Bar.

The following were then sworn as the Jury, to whom the Prisoners, in the usual form were given in custody.

THOMAS DIGBY, Foreman.

J. BATSON.

MARK HUDSON.

ALEXANDER TROTTER.

HENRY BULLOCK.

ROBERT MELLISH.

JOHN POWSEY.

WILLIAM HARWOOD.

HUGH RONALDS.

JAMES HAYGARTH.

THOMAS HARRISON.

ROBERT LEWIS.

The Attorney General proceeded next to address the Jury to the following effect.

Gentlemen of the Jury,

"The last time I had the honour of attending in my public capacity, in this Court, I addressed the Jury on the grounds of the prosecution, and the evidence which I had to produce against a prisoner in a similar situation of those gentlemen. That Jury in the exercise of its Constitutional Functions found the accused Not Guilty.

"I do not presume to judge of their verdict; I take it for granted they did their duty. After his acquittal it became my duty to consider what I ought to do, consistently with my duty to the Public and the Gentlemen at your Bar, who are part of that Public. After mature consideration and consultation with other gentlemen, I have thought it my duty, as I have no other evidence against them than that which I produced against the last gentleman, upon which he was acquitted, to submit these persons for acquittal. I shall not therefore trouble you with any evidence."

Chief Justice. Gentlemen of the Jury, as there has been no evidence called on the part of the Crown, you will of course find the prisoners not guilty.

The Jury immediately pronounced a verdict not guilty—and Messrs. Bonney, Kydd, and Joyce, retired.

Mr. Holcroft. Gentlemen of the Jury—

Chief Justice. You have been acquitted, and after such an ac-

quittal, Mr. Holcroft, I do not see that there is great room afforded for observation. I should think it the best way to follow the example of those who have just retired.

Mr. Holcroft. Every man, my Lord, must act according to the best of his judgment: my judgment tells me that it is my duty to address a few words to the Court, thus openly in the face of my country, upon the hardships I have so undeservedly suffered.

Chief Justice. You have no right to address a word, Sir, to the Jury, after being acquitted in the manner you have just been; but I do not wish to hold you to that right, conduct yourself properly, and I shall have no wish to stop you.

Mr. Holcroft. My Lord, I have well considered what I have to say. Whether my judgment and that of your Lordship's will agree I cannot foreknow. What I have to say proceeds from the dictates of an honest and well-intentioned mind, that will not swerve in the least from the strictest line of duty.

Chief Justice. These dictates must be properly timed; it is quite out of the question to take up the time of the Court in this manner, and obstruct the public business.

Mr. Holcroft. I will not detain the Court more than half an hour.

Chief Justice. Half an hour! that is quite out of the question.

Mr. Holcroft. After having suffered the injustice and cruelty which I think I have suffered.

Chief Justice. You have been dealt with most honourably by the Attorney General. You ought not to complain of injustice, because, in doing so, you accuse your Country, who have put you on your trial. You can have no extraordinary hardship to complain of, you voluntarily brought yourself into custody, and have been treated mildly and honourable by the Attorney General. You must withdraw, Sir.

[Here was a general cry of Withdraw.]

Mr. Holcroft. As it seems to be the wish of the Court, I shall withdraw. If I have been wrong, I am sorry that I have had not more understanding. I always determine to demean myself so as to have the good opinion of mankind. It is not my desire or my wish to be considered as an obstinate or troublesome man. I had something to say of importance to my Country, but as I am precluded from delivering my sentiments on the subject, I shall take some other means of publishing what I think of the business.

Chief Justice. You had better take care, sir, you may bring yourself into another scrape, after having been extricated from this.

Mr. Holcroft. I am very willing to suffer in what I think right.

(*Mr. Holcroft then retired.*)

THE TRIAL OF JOHN THELWALL.

FIRST DAY.

Monday, December 1.

MR. THELWALL was put to the bar; when he was desired to challenge the Jurors as they came to the book to be sworn, and before they were sworn he should be heard. He said, he referred that to his Counsel.

The whole pannel of Jurors, the same as in the case of Hardy and Tooke, were first called over, and afterwards the defaulters.

Those who attended were then called a second time, when the Counsel on both sides had an opportunity of challenging.

Names of the Jurors appointed to try Mr. Thelwall.

ADAM STEINMETZ,	ANDREW BURT,
J. PAINE,	J. STEVENS,
J. MERCER,	JONATHAN EADE,
RICHARD CARTER,	G. AYLWARD,
NAT. STONARD,	ED. HILL,
JOS. NICOLL,	JOS. AINSLIE.

Mr. Percival opened the pleadings.

Mr. Serjeant Adair rose, at twelve o'clock, to open this case, on the part of the prosecution. He observed, that his Majesty's Attorney and Solicitor General, having with great abilities gone through that laborious and important duty imposed on them, by the situation which they so honourably filled, and having laid before the Court the two first cases on that indictment, it fell, he said, to his share, however unequal to the task, to state to the Gentlemen of the Jury the nature and circumstances of the charge, upon which it would be their duty to decide. Before he entered

into the particular circumstances of the case, he was aware, that after what had already passed, after the decision of the two former Juries upon the same indictment, after what had passed in their presence that very morning, he might be asked in the outset, why he did not spare them and himself the trouble of entering into the particulars of this case. After what had passed in Court that morning, when the Attorney General had conducted himself with that candour and honour, with that respect to a Court and Jury of his country, and with that tenderness and regard to the liberty of his fellow subjects, which, in his opinion, had marked his character, had so honourably distinguished his conduct, he might be asked, why he was not inclined to follow so honourable an example. Happy should he have been to have imitated such an example, could he have done it, in this case, consistently with his duty. He thought he could give an answer to the question, and it must be a satisfactory answer. He declared, that example had no reference whatever to the case which it was his duty to lay before them. When he made that declaration, he would explain to them the reasons, and then it would be for them to decide. There were two questions of fact comprised, not only in this, but in every other indictment. The one was whether the crime described in the indictment was committed at all. The existence of the crime was the first question. If that was not ascertained, there was an end of the charge altogether. When its existence was proved, the next question was, by whom that crime had been perpetrated; and whether there was satisfactory evidence to bring it home to the prisoner at the bar. The Jury would find it very material for their attention throughout this whole enquiry, to keep those questions distinct in their minds. It was not more material for the purpose of enquiry for the public, that it was in order to do justice to the prisoner. For there was no ground to enquire into the conduct of the prisoner, unless the existence of the offence was distinctly proved; and he should be the last man in the world, from the general existence of the crime, to draw any inferences injurious to the prisoner, except so far as he was implicated by clear and satisfactory evidence, in the crime described in the indictment. They would consider, that though the Gentleman at the bar was comprised with many others in the same indictment, yet the question upon the case of each of them was in its nature, and must be as perfectly distinct

as if it had been brought before them on different and separate charges. The existence of the offence, with respect to all of them, was necessary to be proved; but the application of the evidence to each particular prisoner, formed a case as distinct in point of justice and reason, as any question could be from another. He said, he was far from being sorry, that in this case, he had the honour of addressing some of those who had been Jurors on a former trial. He was not sorry for it, because the diligent attention, and the strict propriety with which they went through that laborious, painful, and important duty, which their situation called upon them to discharge, satisfied his mind, and he believed the mind of every other man, that they had an anxious desire to discharge that duty with integrity, fidelity, and impartiality, between the public and the prisoner. The Gentlemen who were upon the first Jury knew the motives that influenced their minds in giving their verdict. He was persuaded, and he spoke with confidence, that when they had heard the evidence, it would be his duty to lay before them, the ground on which their verdict would go, would have no application to the first case. He could state that with confidence, for a variety of reasons. In the first place, he had the opinion of the Court, that the facts alleged in the indictment, if clearly and satisfactorily proved, were sufficient in point of law, to support the charge of High Treason. Had it been otherwise, there would, long ago, have been an end to the proceedings, and Juries would not have been kept from day to day, he had almost said for weeks, from their wives and families, in order to decide that which they had decided. He was confident, that the evidence he was possessed of, was such as could not possibly leave a doubt of the existence of such a conspiracy as that stated in the indictment, and therefore it was, that, whatever he might feel of the motives of the former Jury, they were motives that applied wholly to that prisoner, and did not apply to this prisoner.

Before he entered into the particulars of the evidence, it would be necessary, perhaps, to call their attention a little more particularly to the nature of the charge. The charge was that of the highest offence which the law knew. The law of this country, on the one hand, had wisely provided for the security and protection of that government under which we lived, and which secured to us, peace, happiness,

tranquility, life, and liberty; while, on the other hand, the proceedings for the prisoner were, of all others the most favourable. The charge was the compassing the death of the King.

Here the learned Serjeant went into the statute of 25 Edward III. pointed out the distinct heads of High Treason, as enumerated in the statute, and observed, that the present charge must be brought under some one or other of these species. The overt-acts, by which were to be understood the means of accomplishing the end, were as various and extensive as the different minds of men; and therefore it was absolutely impossible to describe them in any positive statute. To convict a man of High Treason, it was not necessary that he should have a direct and immediate purpose of taking away the natural life of the King. It was a sufficient overt-act of compassing the death of the King to do any act, which directly tended to restrain the King of his personal liberty, to deprive him against his will and consent, of his Royal State and Authority, or, in the words of the indictment, to depose him from his Royal State, even if it were possible to be for the direct purpose of protecting the life of the King. To restrain him of his liberty, and to oblige him to exercise, under compulsion, his just and lawful authority, would amount to High Treason, in compassing the King's death. He should not, after the long discussions that had taken place, waste his own strength, or their attention, in enlarging upon the subject. If he had mistaken the law, he would afterwards be set right by the Court.

The learned Serjeant next considered the nature of overt-acts. There were nine of them in the present indictment, and the formal proof of any one of them was sufficient to support the charge of High Treason. In favour of the subject, it was necessary that indictments for High Treason should be more specific than any other indictments. It was sufficient in all indictments for felony, to describe the general nature of the offence charged. But in High Treason, it was also necessary to state the overt-acts by which that charge was to be supported. And he would venture to say, that no indictment for High Treason was good, without stating the overt-acts: but such an indictment ought to be quashed, and the time of the jury ought not to be taken up in trying an indictment for High Treason, if the overt-acts stated, even though proved, did not support the species of

treason described. All the overt-acts stated in the present indictment, were charged to be done for the purpose of overturning the established Government of the Kingdom, and to depose the King from his royal authority.

The first overt-act charged was, that this was to be done through the medium of a General Convention of the people. Was it possible to overturn the rule and government of the Kingdom, without deposing the King. The first of these allegations, therefore, was only necessary. The last was mere surplusage.

He observed, that four of the prisoners had that morning been acquitted, he had almost said by the consent, or, more properly speaking, by the forbearance of the Attorney General. The time when the Attorney General did that honourable act, was also to be considered. It was done at a time when its primary object was to prevent those persons themselves from suffering one iota more of severity, or one moment of severity more than public justice required. But their being acquitted at that time, gave the prisoner at the bar a most important advantage, in being now able to call upon them as witnesses, who were formerly charged as accomplices of his crimes.

The jury would find, that the general complexion of the evidence, was this, that a number of Societies, acting by regular and established correspondence, communicated with each other, and acted under the guidance and direction of the two principal Societies in this metropolis, of one of which the prisoner at the bar was one of the most active members, for the express purpose of carrying into effect their visionary project of a Reform, not by any application to Parliament, but by their own authority. They intended to reform those abuses which they fancied to exist, not by the laws of the country, nor by the legislature of the country, but by their own laws. It would be incumbent on those on the part of the prosecution, to shew, that this was the real, undoubted object, which the leaders of those Societies had in their minds. From some parts of the evidence, it appeared to have been their professed purpose. Though it was but seldom men acted so openly in the commission of crimes, as to say we mean to depose the King, it is our intention to subvert the constitution of the country, &c.—These were professions but seldom made; but those who had such intentions generally concealed them, and wished

the world to believe from their professions, that they acted from different motives. To stop the progress of these Societies required the interpolation of Government, and the strong hand of the law, for the protection of Government, which had been handed down to us from our ancestors, and of that constitution which had secured to us, wealth, prosperity, and happiness. They felt they had enjoyed all those blessings, in an eminent degree, as subjects of the Government of England. All good men, therefore, and he hoped there was a great majority in the nation of that description, would set their faces against all such attempts.

Men engaged in this desperate business, with some colourable object or pretences which might lead others, less wicked than themselves, to co-operate with them to a certain point, in pursuance of their secret purposes, and without being conscious of their object. It was necessary for them to have some plausible pretext to elude the attention of government, and the punishment of the laws. It was also necessary to elude the enquiry of every description of men, who, at first, would shudder at the name of High Treason. But they pointed to another object, making their agents subservient to their own ends, and concealing from them their real designs, till they had gone too deep to retract. That was the way in which these designs were carried on. Those persons, in acting in defiance of the Parliament, professed an intention to Reform the Commons House of Parliament; and there was no human government that did not need correction and reform; and if opinions on that subject were well digested, and conveyed through those channels which the law of the country pointed out, they might be meritorious. That might be the case, if opinions were delivered in a respectful manner, and in obedience to the law. Whether a Reform in the House of Commons was or was not necessary, he should not then discuss. But whether that was a wise or foolish measure; whether it was right or wrong; he would venture to affirm, that every attempt to bring that about, otherwise than by those holding the government of the country, without the authority, and against the will of Parliament, was High Treason by the law of England. Was the English Constitution—Was that glorious fabric that had been growing up, and maturing nearer and nearer to perfection (though no human institution could ever attain it) by the accumulated wisdom and experience of ages, to be overturned by the speculations of modern philosophers? Was it to be subverted, be-

cause the London Corresponding Society had thought it necessary it should, and because they had taken the means to do it? It was for the Jury to determine, whether they were ready to adopt modern plans of Reform, at the risk of the lives, liberties, and property of the millions of inhabitants of this happy island? Would they wish to plunge themselves and their country into the miserable condition of a neighbouring nation, which could not be read without horror, and of the truth of which posterity would doubt?

No man ever attacked the King without some fair professions about grievances, &c. But in stating this case, he thought he could prove to them by evidence, that would leave no doubt upon their minds, that however fair the professions of these Societies were, although their professed object was a Parliamentary Reform, that no such thing was the secret purpose of the heart of the prisoner at the bar. But how were the secret purposes of men's hearts to be discovered? Not by the professions they made, not by the pretexts they held out to the ignorant and unwary; but by their own acts, coupled with their declarations, and by comparing their declarations at one time, with their declarations at another. A man's declarations ought to be construed in a manner most favourable to himself, yet he by no means admitted that they were to be so construed, if they contradicted other declarations made at the same time. He was inclined, in all cases that were really doubtful, to go on the side of mercy; but he could never conceive it to be the duty of a Jury to throw away their own understandings, to presume every thing contrary to the fact, contrary to probability, and to common sense, in order to get rid of a charge which affected the life of a fellow creature. They ought to weigh the charge fairly, with favour to the prisoner, but at the same time with some attention to the interests of the public. The decision of a Jury on such a question was very important; it was a question in which their consciences were deeply concerned, it was a question in which their consciences, directing the application they could make of their own understandings, ought to guide them in the right way, in which they should be equally indifferent to the power of the Crown, or the applause of a mob. They should look into their own hearts and ask them - Are we, or are we not in possession of incontrovertible facts? Is it not beyond a reasonable doubt, that the party is guilty of the crime imputed to him? This, in

all cases, is the business of Juries, who are anxious to discharge their duty faithfully and conscientiously.

There were two points with respect to these Societies—their real object and their professed object. Their professed object was a Parliamentary Reform, as expressed in their own words, by all legal and constitutional means for effecting this, or any other Reform: it must be done by the law and government of the country. If it was done through any other Channel than the King, Lords, and Commons, it was effected by illegal and unconstitutional means. They said, in so many words, it was to be brought about by their own authority, and therefore by illegal means, which might be dangerous to the public, and fatal to themselves. Their real object was, that which was charged in the indictment; from the nature of the evidence, he should undertake to satisfy them of the truth of the charge, by evidence, both affirmative and negative. He might content himself with shewing them what was the intention of the prisoner; but he should go farther, and shew them what was not his intention. He should shew them his intentions were to subvert the Government of the kingdom, and that his intention was not to produce a Reform by legal and constitutional means.

He said, he should state to the Jury a little more particularly, the nature of that Society, of which he should hereafter prove the prisoner was a most active and leading member, the nature of that institution, and the connection it had with other Societies of a similar description, in different parts of the kingdom.

The learned Serjeant here went into a minute history of the London Corresponding Society, shewed how admirably it was formed for eluding the observations and suspicions of Government, till it became extremely formidable. The time too at which it was formed was extremely material for the consideration of the Jury. It was at a time, the most critical and the most dangerous to every established Government, that ever occurred in the history of the World: for it was instituted at a time of a progressive Revolution in the neighbouring kingdom of France; a Revolution, every step of which, beyond the first, had been marked with characters of blood and desolation; and this Society spread itself on the very model of those Societies in France, which had been the principal instruments of that Revolution; and that had acted a principal part in those shocking scenes with

which it was strongly marked. It was formed on the principle of the Jacobin Club, with its affiliated Societies; though it was neither so powerful nor so numerous. Those Societies opened a correspondence with France, first by addressing the Jacobins, and then the Convention. What they had to do with a Parliamentary Reform in England, the Gentlemen of the Jury would decide. They shewed the strongest inclination to receive into their arms, the persons in that country, who were stained with blood.

One of the first objects of those Societies was, to circulate with a degree of industry unprecedented, a number of different publications, which would form a material part for their consideration. Their professed object in this was to enlighten the minds of their countrymen, to remove what they called their prejudices, and to impress on them true ideas and notions of the nature of Government and their own rights. They could never have circulated those books unless the doctrines and principles contained in them were such as they thought fit to be adopted. They could not possibly state any other view they had in the circulation of those publications, but that their principles should be adopted by the people, for the purpose of enlightening their minds.

This idea was entertained among them so early as May 4th, 1792. A letter of that date was sent from the Societies at Norwich, to the London Constitutional Society, stating, Thomas Paine and Joel Barlowe, as their Literary Representatives. The learned Serjeant made a very able comment on that letter. He also alluded to other letters, from which it appeared, that the works of these two writers had been adopted and approved of by all the Societies in town and country; and that some of the Societies had entered into a subscription to support Paine against the prosecution that was commenced against his Second Part of the Rights of Man. He hoped it would not be considered as uncandid in him, to desire the Jury to judge of the principles and views of those different Societies from these works. He said, he should take the liberty of reading a few passages from the second Part of the Rights of Man, to shew what were the objects and principles inculcated in it. It was there said, that all the governments that had hitherto subsisted in the world particularly the Governments now established in Europe, and more especially the government of England, had been all founded on false principles, not answering the true ends of

society, and all of them inconsistent and incompatible with the Rights of Man. With respect to this country, in particular, he laughed at the idea of our having any Constitution at all. They had been all in delusion; and it had not been till the present time they had made that discovery; and that which had been the boast of this country, was a mere dream. The English Constitution, by which this little island had been raised to be equal to a great country; by which we had been happy, and not in name, but in fact, had been the object of envy and admiration to all surrounding nations; by which we had lived, and had been protected at once in our personal safety, in our property, in our domestic happiness, and above all in our liberty. That though it has been felt for ages, that these are the substantial blessings of this Constitution; yet, according to Mr. Paine, we were totally mistaken, and we had no Constitution at all. His next principle was, that no Constitution could exist where there were either Hereditary Governors, or Hereditary Legislators. In order to have a Constitution, we must take away the King and the House of Lords. He was so far from recommending a Parliamentary Reform, that he said it was merely nugatory. It was all nonsense. The Government of this country could not be expected to make that Reform; that they could not do it; that they had not power to do it, and that no body could do it, but the people themselves. The learned Serjeant next read a number of passages from the second part of the Rights of Man, to confirm the observations he laid down. When he had finished them, he said, if he were to read all the passages to that effect, he must read through the whole of the book.

He said there was one favourite idea that went through all these publications, and that was, that the expence of the Monarchy of this country was calculated at a million sterling a year. That however was an impudent falsehood within the knowledge of the writer, and of every body except the ignorant, on whom only it was calculated to make any impression. Out of the million, the establishment of Ambassadors abroad, and the judicial establishments at home, &c. every expence incident to the Government of the State, was paid, the expenditure of the Army and Navy excepted.

He next considered the marks of Joel Barlow, and first his letter addressed to the National Convention, which had been approved by all the Societies, and in which he encourages them to depose, and of course to murder their innocent and

defenceless Prince; and to vest all the powers of government in the people. He next read a long passage from his book on Privileged Orders, and shewed that publication was equally hostile to the Government and Constitution of this Country.

Having given this general account of the theoretical opinions and principles of these Societies, he next compared these opinions with their practices, and considered how far their conduct and their principles accorded. To judge of their principles by their conduct, he said, was the most favourable, the most liberal mode of judging of them. It would appear from the proceedings of these Societies, not what was, but what was not the object of their pursuits. The Jury would find there was a period, not very long subsequent to the institution of the London Corresponding Society, when that Society, and all the others with which it corresponded, laid it down as a principle, that all applications to Parliament, for the object which they professed to be the sole object of their institution, were perfectly nugatory and fruitless: that they had no expectations of success, and therefore resolved not to make any more applications.

He should shew, that the measure was adopted in 1792, when their professed object was to obtain a Parliamentary Reform by legal and constitutional means. What would have been their conduct, if that had been their object, and the sole object of their institution. Must they not have immediately, with however much reluctance, have resolved to give up that object and give up their Society. But so far was that from being their conduct, that from the moment they were convened, all application to Parliament to bring about that measure was in vain. From that moment, instead of breaking up their Societies, they became ten times more active and zealous than they were before. Was it not then plain what their real object was? They held forth a colourable object. They held it forth as an object to captivate the feelings of better men than themselves, in order to draw into one general vortex all those of every description, who were friends to Parliamentary reform from reason and principle. In order to shew that the conduct and principles of these Societies agreed, he said, he should produce to them a piece of evidence of very considerable importance, and which went to the very object he had been pointing out to view. If their object was a Parliamentary Reform, what had the Jacobin Club at Paris to do with the means that

were to be employed for that purpose ? What had the National Convention of France to do with it ?

Serjeant Adair next animadverted upon the intercourse maintained with France, which was so little necessary to the reputed, and so indispensable to the real purposes of these Societies. Not only was this correspondence carried on after the ancient constitution of France had been subverted, but after the Sovereign was deposed, and his murder designed. On the 21st of September, 1792, the Corresponding Society first declared their intention of addressing the National Convention. A distinct and separate address was not reckoned a sufficient testimony of the general joy. Their industry in this respect, corresponded with the magnitude of the objects which they had in contemplation. After having obtained the approbation of the Constitutional Society, on the 10th, 15th, and 19th, of October, they wrote to the other Societies, proposing jointly to address the National Convention. And what was the nature of this address ? It abounds in general professions of benevolence ; but it is to be observed, it states the French cause to be ultimately blendid with their own. Good God ! what must be their ideas of human happiness ; if, after the period when France had been deluged with blood, they would call the abettors of such a system, champions of liberty. What has the destruction of Aristocracy to do with reform in the House of Commons ? By hailing them upon such an event, do not they adopt the principles of Mr. Paine, and implicitly acknowledge the House of Lords to be a supernumerary branch of the English Legislature ? And how could a tripple alliance between France, America, and Great Britain take place, without deposing our King ? On the 19th of October the Corresponding Society appointed a committee to concur with the Constitutional Society, in framing an Address, which was formed on the 9th of November following—an address which was not only subversive of the established principles of the British Constitution, but of all order and good government. In it they approve of all the writings of Barlow, sanctioning the proceedings of the Convention, and join with the Jacobin interest in its brutal exultations over the mangled bodies of those who had fallen a sacrifice to its insatiable thirst of blood. They appoint ambassadors every way worthy of such an embassy—Frost and Joel Barlow ; the latter of whom, from his principles, was eminently adapted for such a service. These messengers were by no means inclined to

dissemble the sentiments of their constituents: in their speech to the Convention they said, that the Revolution in France had made Revolutions easy, and that the people of England were impatient of receiving similar congratulations, to those which they were deputed to present to the representatives of the French nation. But why, it may be said, should the rash expressions of these individuals implicate the Societies in their folly or their guilt? The reason is obvious. All that they had done was approved of by their constituents. Citizens Barrere, Roland, and St. André, who were most active in deposing their King, and who afterwards voted his murder, were created Honorary Members; and their speeches in the Convention, upon the deposition of their Sovereign, were engrossed in the minutes of the Society, which was a marked approbation, and an implicit adoption of every word they delivered. Having thus stated to you, from their own books, the principles of these Societies, I will also shew you, that their own deliberate acts had no relation to their professed objects. On the 19th of April, 1792, a Society was established in the Borough of Southwark, if not by Mr. Thelwall, he was at least present at its institution, and privy to the measures which were there adopted. Gentlemen of the Jury, this piece of evidence is particularly worthy of your attention, because it is the first which can be materially and personally brought home to the prisoner. In its Resolutions, in which the objects of the Society are declared, there is not a word about Parliamentary Reform. They maintain, that an adequate Representative Government, founded upon an equal active citizenship, is the wisest step of human policy, and the object to which their aims are directed; and, an equal active citizenship, tending to an adequate Representative Government, we find, in the political dictionary of Mr. Barlow, signifies a constitutional system, in which neither a King nor Nobles are recognized as branches of the Legislature, and therefore the object of the Southwark Society must have been the entire subversion of the present system, and the establishment of pure republicanism. The next piece of evidence is a letter of the 5th of March, 1793, addressed to the Constitutional Society, which will prove that I am not imputing to them designs which they did not themselves avow, and which therefore confirms the former evidence. In this letter they state the calling of a Convention, which is one of the every

acts charged upon the prisoner, as a matter worthy of serious consideration. "We are already" say they, "a conquered people," conceiving with Mr. Paine the constitution to be derived from William the Conqueror; and this allegation, as false as it is frivolous, they introduce as an apology for calling a Convention: because, say they, "to petition Parliament for a reform will be of no avail, and all our intreaties on this head will terminate only in mortification." Besides, "it is unworthy of a society of freemen to petition for what is their right, and what they have only been deprived of by force, rapine, and injustice."

Observe, gentlemen to what, in this imaginary dilemma they resort: to a Convention, not surely to extend the degradation of petitioning Parliament, to which they would not submit, to a numerous body of their fellow citizens, equally inflated with a sense of their own importance. This would have been to increase the affront, and much to lessen the importance of citizenship, by engaging the people in a petition which they considered of very uncertain issue. The intention was to over-awe the Legislature, or boldly to assume the reins of Government: Here the mask drops off, and treason stands disclosed. Complaints which are justly founded, will never be conveyed to Parliament in vain. Redress will immediately follow the grievance, if applied for in the proper way, and at the proper season. But this was not their wish: it was a measure in contradiction to this, and which they say will be successful, as soon as the people of this country not are virtuous enough, but are courageous enough to effect it.

In the name of common sense, what courage does it require to petition for the redress of a grievance? Who is oppressed, and has not fortitude enough to complain? From a letter of the 11th of November, 1792, from the Society of Norwich, to the Corresponding Society, it will farther appear, whether I misconstrue their actions, or if it is not the irresistible interpretation of their proceedings. Is it a forced construction, that those who vote thanks to Paine for his publications, approve Republican principles. It is the construction which the plain tradesmen of Norwich put upon the proceedings of the Society of Manchester; and is it wonderful that Government should be uncertain about what the Friends of Freedom themselves suspected them of. In doubt respecting their real intentions, they ask, "If the Corresponding Society mean to rest satisfied with the Duke

of Richmond's plan of universal suffrage and annual Parliaments; or if it was their *private design to rip up Monarchy by the roots, and plant Democracy in its stead.*" To see whether it was or was not, let us attend to the answer which was returned. It is dictated with much caution, for they were alarmed at this plain blunt question: they did not know whether it might not be put with an insidious intention, nor whether their Norwinch brethren were ripe enough to receive information of their views. They state the difference which subsisted between the political opinions of the Societies as a matter of small importance. You see throughout with how much art the letter is written. Had any person written to you, gentlemen, enquiring if it was your professed object to rip up Monarchy by the roots, would you have given an ambiguous, evasive answer? Would you have appointed a less conspicuous person to whom you could write in future, and appointed a private channel of intelligence? Would you not have repelled the charge, and for ever have renounced connection with the individual or Society who could suspect you of a crime, from the commission of which your mind recoiled? But this was not the plan of the Corresponding Society, because their sentiments were different from yours. I would next call your attention to a letter from the Stockport Society to the Constitutional Society, dated 17th Sept. 1792, in which they express themselves dissatisfied with every existing power, which they have not themselves constituted and appointed. Now you will please to observe, that these are the very men who had thanked Mr. Paine for that production in which he maintained, that the people of England have no constitution which they themselves have formed. In this letter there are also several blanks, which there is but one way of filling up. This task, however, I leave to you to perform; I would only observe, that there certainly was a difference between their real sentiments, and those which they thought it prudent to avow.—The answer of the London Corresponding Society, is also expressed in as strong terms as their prudence, as they term it, will permit. But why conceal their sentiments, if a Parliamentary Reform was all they had in view? Or what association of ideas is there between Reform in Parliament and the French Convention, which obtrudes itself in all their resolutions. On the 29th of May, Skirving, who was active in forming the Scotch Convention, writes to the

London Corresponding Society; and in this letter there is the most unequivocal avowal of his views and intentions. Is there one word of that relates to Parliamentary Reform? Strip it of the metaphorical language and the affected mystery in which his sentiments are enveloped, and you can easily discern his object is the destruction of the existing Constitution, and the renovation of the political system. In consequence of this letter, a resolution was passed to send delegates to the Convention from the different Corresponding Societies. This Convention set out with the professed object of Parliamentary Reform, but it soon deserted the plan of petitioning Parliament, and proposed assuming the powers of legislation into its own hands, if its efforts should prove successful by the interference of other Societies. It organized itself into a permanent legislative body; formed itself into committees of Secrecy, Safety, and Finance, in imitation of their sister Convention in France. Its members bore the title of Citizens; and their business was transacted according to the order of the day. It called itself, This House; and in every thing, except in power, assimilating itself to the general Legislature. It early foresaw the probability of its own dispersion; and on the 3d of November, the members solemnly rose up, and joining hands, bound themselves to support each other. The pledge was of such a nature that it was ordered to be the last thing entered in their book. But from all their resolutions, it is impossible to entertain a doubt of their hostile intentions against the existing form of Government. They were to watch the measures of the Legislature. But who were to be the judges of the constitutionality of these measures? The Convention claimed the prerogative; and thus, had they carried their designs into execution, would have superseded the authority of the legislature. The civil powers interposed, and thwarted their treasonable purpose;—but observe, gentlemen of the Jury, the conduct of the English societies on this occasion. Did they renounce their connection with that body, whose proceedings had been adjudged as dangerous to the state, and whose meetings had been adjudged as illegal? Did they recal their delegates, when the Convention delivered the plan of Parliamentary Reform? No; on the contrary, they passed resolutions on the 21st of October, 1793, approving all the proceedings of that body, which had been already proscribed. They approved of the conduct, in particular, of those members who had been marked victims to justice;

and the repression of the Convention in Scotland, suggested the idea of a similar assembly in England. On the 24th of January, 1794, Mr. Martin in the chair, a general meeting of the Corresponding Societies was held. Now, it is worthy of your notice, that Mr. Thelwall was present at the former meeting of delegates, when this general meeting was resolved upon; that he prepared the business which was to come before this assembly, and that he afterwards took an active part in it. Their object was, to excite the people to assemble in a Convention. If you can judge from their proceedings, can you entertain any doubt of the views of the society at this time? If their intentions were ambiguous before, they are now emerged from under the cloud. Can language be plainer than what they now use? They must have Parliamentary Reform by their own laws—they must find redress in their own laws; and these laws are erected as a standard to which the legislature must conform, else they will immediately exercise their controlling power.

In the proceedings of the society at Chalk Farm, of which Mr. Thelwall was a most active member, there are strong insinuations that the Monarchial and Aristocratical branches of the legislature ought to be abolished; any respectful expressions concerning either are evidently ironical, and their doctrine of resistance is avowed, not in abstract speculation, but brought home to the present state of affairs, in such direct terms, that I think it impossible for any ingenuity to explain it away. Thanks were voted to Mr. Rowan, for his exertions in the cause of liberty, who at that time was in custody on a charge of High Treason, and 200,000 copies of their proceedings were ordered to be published, with no other view than to excite the people of England to resist the government of their present rulers. On the prisoner a paper was found, containing a draft of resolutions which were afterwards adopted by the society, and clothed in different language. In this paper, there is a plain avowal of the doctrine of resistance; a direct aspersions of his present Majesty, and a marked design of establishing their system by force. Armed associations were held. The people were exercised to the use of arms, not in the open fields, but in private rooms and garrets, and proposals were made from Sheffield to the Corresponding Society for supplies of martial apparatus. Now, Gentlemen, is it not fair to judge of the intention of these measures, from the limited scale on which they were

practised? To what extent they might have been carried, had they not been checked at the beginning, human sagacity cannot foresee. Conspiracies have always taken their rise from a few, and a plot is not less to be feared because, at its commencement, the numbers who are engaged in it may be little respectable. Thus, Gentlemen, I have laid before you the whole of the written evidence; upon the parole testimony I shall not enlarge, as it will come best from the mouths of the witnesses who will be brought forward in the ensuing part of the trial.

He thought it could never be objected to, or said it was uncandidly done, if he introduced Mr. Thelwall's character and opinions to the knowledge of the Jury, such as they were drawn by himself. This he meant to do by reading to them a copy of a letter found in his house, and in his own hand-writing, appearing to be a letter addressed to some friend who had left this country, and gone to America. Whether the fact was so or not, did not clearly appear;—perhaps the letter might be written as an exposition of the conduct of Mr. T. It was avowedly to defend himself from the charge of having become lukewarm in the cause of Liberty. To refute this, he says, “no man has gone bolder lengths, or had encountered greater danger in the cause of Liberty than himself; that for these four or five months past, he had been the sole labourer in the London Corresponding Society, the only set of true *Sans Culottes* in this metropolis. He had also been charged with being a Brissotist; this, he says, sits easily upon him; and that he believed Brissot to be a true Republican, whom he honoured when living, and lamented when dead. In this letter he gives an opinion respecting the affairs of France—He conceived the Mountain were the only men that could hold the helm of the State, in that tempestuous and critical season. After further discussing matters relative to France, he says, *I am a Republican and a true Sans Culotte*. From thence America was the topic of the letter, and he states his opinion, that American liberty is not founded upon a sufficient broad basis; for that they have “too great a veneration for property, too much *religion*. and too much *law*.”

Mr. Thelwall also informs his correspondent, in this letter, that he had made an attempt to found another Political Debating Society in the Borough, and that the magistrates had done all in their power to counteract him, but, when they found the meeting was to be assembled, they sent a number of constables, police officers, &c. who came into the room,

and disturbed the company, by singing "God save great Jolter-head!" When they found that the company was cautious of entering into any disorder or riot, they attempted to throw him, together with his desk, chair, &c. all down together, which, at last, they effected, but he was borne off in safety by his friends. During these proceedings, the magistrates were mixed among the mob, encouraging and exciting them to these acts of violence. In this letter, the learned Serjeant said, was to be found an account of the political opinions of the gentleman at the bar, such as they were drawn by his own hand; it would be for the Jury to determine how far his actions had squared with them.

He avowed himself a Sans Culotte. What was a Sans Culotte—where should we find a definition? Sorry he was to see that word so much introduced into this country. Would you know what constituted a Sans Culotte? By their fruits shall ye know them. Ask those who were present at Paris during the massacres of September? Ask those who had seen the destruction of commerce and manufactures of the once flourishing city of Lyons? They would tell you what were those beings called Sans Culottes. They were the men, who, when their murdering instruments could not not fall fast enough to satiate their vengeance and thirst of blood, drove hundreds of miserable victims into a church, where they were all destroyed at the same time.—These were Sans Culottes?

The charge of being a Brissotine also in Mr. Thelwall's opinion, was a charge he thought necessary to be repelled: although the Brissotines were good Republicans, and they also voted the death of their King, but yet they did not reach those sanguinary extremes of their opponents, the Mountain, as they were called. That Mountain, which in Mr. Thelwall's judgment, were the only men fit to hold the helm of state, and guide the Government of France. Neither had America been overlooked in this letter. She possessed a regular Government at least, whatever its form might be; large and strong prerogatives were vested with the executive Magistrate, although he was not hereditary. Republicans of this country had hitherto viewed America with an eye of complacency, but according to Mr. Thelwall, she had too great a veneration for property, too much religion, and too much law. He had also professed himself an active Member of the Corresponding Society, and it would appear he had not professed more than really was the case. He had used

every method to stimulate and incite the people to action ; he had given political lectures, the general scope of which were to vilify and traduce every thing sacred in the country, —The government—the Magistracy—the laws—and the Juries—for even they had not escaped. He had acted with caution, and endeavoured to steer clear of any thing that might be immediately reprehended, yet it would clearly appear that such was the result, and general effect of the whole, when taken united, and in one point of view.

As further proof of the sentiments of the prisoner at the bar, Mr. Serjeant Adair read a private letter from him to a friend, addressed, "Citizen Jack Wells;" wherein he gives an account of the Meeting of the 24th of January, and observes, that it was not in London alone that all was alive, but there were Liberry Boys in Scotland, &c. &c. But as a proof that Mr. Thelwall was not totally regardless of his personal safety, he must inform them, that he had taken the opinion of a gentleman of the Law relative to his Lectures. He was sorry that any Member of the Profession should give such advice as that contained in the paper which would be read in evidence to them. His name he would not mention; they would learn it when the paper itself was produced in evidence. It was to this effect, "that the writer could scarcely tell what to say—but he advised that Mr. T. should not use any severe expression, when treating of the King, or of the Monarchy, nor of the Aristocracy of this Kingdom Of Reeves and his Association he might say what he pleased —He advised him to speak slow and cautious, any if at any time he said any thing dangerous, immediately to explain it away.

He lamented much that such advice should be given which taught men with impunity to insult the laws, and insult the Magistracy of the country. He said the case now before the Jury differed from those which had preceeded it. Hardy had been represented as a man who had never uttered a contumelious expression against the King or Government: and Mr. Tooke had brought evidence to shew, that his general conduct was friendly to the monarchy and aristocracy of the kingdom—Here they had the prisoner's own declaration, that he was of far different sentiments. The Verdict they had to give was great and momentous: it involved he might say, the principles of civilized government and order; and, on the other hand, it also affected the life and honour of the Prisoner at the bar.

He doubted not, but from the evidence as it would be laid before them, they would draw such a conclusion as they thought would be satisfactory to God and their country.

The Court adjourned for an hour to take some refreshment. When they returned, the proceedings of the different Societies, as far as related to Paine's books were read, and afterwards the same extracts from the books as were read in Hardy and Tooke's trials.

Mr. Adams sworn, examined by Mr. Bower:

Q Were you Secretary to the Corresponding Society?

A. Yes.

Q. Did Mr. Thelwall attend as delegate at your Society on the 4th of April, 1794?

A. He did.

Cross examined by Mr. Erskine.

Q. When did you become Secretary of the Constitutional Society?

A. Ten or twelve years ago.

Q. What were the objects of your Society?

A. A Parliamentary Reform.

Q. You say a Parliamentary Reform.—Pray in what part?

A. In the house of Commons.

Q. Had you any reason to think the Members of that Society had any intention to subvert the Constitution?

A. No.

Q. Was any proposal made to procure arms?

A. No.

Examined by Mr. Bower.

Q. Do you know whether Mr. Thelwall saw these books?

A. I do not know he did.

From the Court.

Q. Was Mr. Thelwall a Member?

A. I do not know he was.

Here Mr. Erskine said, that Mr. Thelwall was not a Member until the year 1793, and that he was not accountable for what happened antecedent to that period.

The Lord Chief President. Mr. Thelwall might accede to a matter agreed to in 1791, at the time of his admission.

Several passages of Paine's Rights of Man were then read, the most particular of which was that which treats of the present old Government.

Chapman repeated his former evidence, of having printed the first, and part of the second part of Paine's Rights of Man.

Jordan the Bookseller, not being present immediately when he was called, Mr. Erskine admitted the publication, and the exceptionable parts were accordingly given in evidence.

The Lord President, when the evidence from Paine's works were read, observed, that in order to enable them to attend early in the morning, it would be necessary to adjourn by times.

SECOND DAY.

Tuesday, December, 2d.

The Court meet according to adjournment, when *Joel Barlow's* letter to the National Convention of France was read.

The Report of the Committee of the London Corresponding Society, respecting an Address was read.

—*Lauzun* proved the finding of these papers in *Hardy's* possession.

The proceedings of the Constitutional Society on the 20th of April, 1792, were next read, by which it appeared, they had received an Address from a Society in Southwark, associated for the purpose of Annual Parliaments, and Universal Suffrage.

Mr. Serjeant Alair said, he should call a witness, who would prove *Mr. Thelwall* to have been present at the formation of this Southwark Society.

John Taylor said, he became acquainted with *Mr. Thelwall* at the latter end of the year 1791; he was present at the Meeting held at the Three Tun Tavern, in Southwark. *Mr. Favell* was in the Chair; *Mr. Russell* acted as Secretary, and *Mr. Thelwall* was present. *Mr. Gurnel* made a speech, in which he stated the abuses of Government, and the necessity of a Parliamentary Reform: he also moved an Address, which was adopted. It was generally understood, that they were not to be connected with the Friends of the People, because it was thought they only

professed a *wish* of Reform, but with intent to supplant Administration, and place themselves in their situation. He was also at other Meetings, in company with Mr. Thelwall. He was at the anniversary dinner at the Constitutional Society in the year 1792. Also at the Three Kings, in the Minorities, and at the Dinner at the London Tavern, held to celebrate the Revolution of 1688. At the last place an Address was proposed to the National Assembly, or Convention of France; he believes it was by Mr Thelwall, but is not certain.

Cross-examined—They did not join with the Friends of the People, because it was not thought they were sincere in their wishes for Reform. The object of the Southwark Society, and the only object was Annual Parliaments, and Universal Suffrage. He never heard a proposition for using force to accomplish their ends, and Mr. Thelwall was a man who no way inculcated peaceable measures.

Cross-examined by Mr. Thelwall.—He never heard any thing from which might stimulate the people to violence, but had often heard him declare, “that whatever a man’s speculative opinions might be, Reason and Argument were the only weapons he should use.” He never heard him use any expression of contempt against the Sovereign, but in every part where he had heard him, his conduct was pacific.

Upon a re-examination, he said, he had been at Norwich this year and a half, and during that time had never seen the prisoner.

Some papers were then read, shewing the prisoner to be a Delegate, and had acted accordingly.

The resolution of the Constitutional Society in May 1792, to address the Jacobins, was then read, together with the Address itself, which is contained in the Appendix of the Report of the Committee of Secrecy.

The Resolutions of the 13th of July, 1792, of the Constitutional Society, was read, “That the six Members recommended by the London Corresponding Society were elected.”

A letter from Stockport, dated 17th of September, 1792, was then read, it is addressed to the Secretary of the London Corresponding Society. It enquires whether all the evils complained of would not be done away by a Convention? At the same time it thinks, that the addresses of the London Society, “*hardly rise to that height, which they expected from men sensible of their full claims to absolute and incontrovert-*

able liberty," The answer tells them, *their language is full as strong as prudence will permit.*

A letter, from the Editors of the Patriot, to the London Corresponding Society was next read. It tells them not to lose sight of the method by which France became free, viz. by active and regular unison.

The letter from Norwich of the 11th of April was next read, which enquires into the design of ripping up Monarchy by the roots, &c. together with the answer to it; which recommends to the Norwich Society, to follow the example of those formed in London.

Mr. Serjeant Adair said, he should now proceed to a new head of evidence; those parts of their resolves, which related to addressing the National Convention of France. 1st. The minutes of the Constitutional Society, on the 28th September, 1794; when a letter was read from the Corresponding Society, expressive of their intentions to address the French Convention; and also a vote of approbation, by the Constitutional Society. Next the minutes of the meetings of 12th October following; when the address was received from the Corresponding Society. The address itself was also read.

These Papers being read through;

The Rev. Mr. Williams was then called, to prove the hand-writing of *Mr. Thelwall*, in a letter which was produced, addressed to *Citizen Delham*, and signed, "T. Thelwall." *Mr. Williams* deposed, after some hesitation, that, to the best of his knowledge, the whole was in the hand-writing of the prisoner. *Mr. Thelwall* interrogated the witness how often he had seen him write, how much, and on what occasions; to which *Mr. Williams* replied, that he had seen him twice sign his name, once, when he applied to him for a licence to marry one of his parishioners, and, a second time, when he put down his name in the parish register, subsequent to his marriage. The letter was then read.

James Davidson was next called, who, being interrogated by *Mr. Law*, deposed, that he had printed the Resolutions of the Society, of the 20th of January, by *Mr. Thelwall's* order; that he had received all the manuscript, except the last page, from *Mr. Thelwall*; that 2000 copies were first thrown off, and that, in all, he had printed 8000 of these; that he had delivered 6000 to *Hardy*; and that he had distributed the rest to any one who chose to call for them.

In his cross-examination, by Mr. Erskine, he declared, that

he had some previous acquaintance with the prisoner; that he had seen him at a Committee of Delegates, in a Division of the Society; that he himself was a Delegate, though not of the same Division with the prisoner. He remembered one expression which Mr. Thelwall had dropped; upon hearing a report of some cannon and ammunition being taken by Dumourier; he had a pen in his hand at the time, and, pointing to it, he said, this is the cannon, and to the ink, this is the ammunition, which can alone prove successful against ignorance, the bane of human perfection. He never heard him use any violent or improper expressions; on the contrary, he inculcated the people to be subject to the laws, and the laws would justify the confidence reposed in them.

He was again examined by the Counsel for the Crown, and persisted in his declamations of the peaceable and inoffensive conduct of the prisoner. He said, that he did not read the manuscript which he had printed, till after it was published. He allowed that it contained *some hard words*, and those he had mentioned to Mr. Martin, but never to the prisoner. The resolutions were read.

The Clerk of the Arraignment then proceeded to read several other papers read on the former trial; and at three o'clock, the Court adjourned for refreshment.

At four o'clock the Court resumed.

The Prisoner begged that Mr. Timms might be re-called, as from the low tone in which he had spoken when he was in Court, he did not understand what he said upon the subject of the last letter, which was read, and he had since learned from his Counsel, that the evidence which he had given would go to implicate him as being privy to the contents of a letter, which he had never seen; subscribed by a man, whose name he had never heard, and containing sentiments which he had always disavowed. The Chief Justice accordingly ordered the witness to be recalled, when he was questioned by Mr. Thelwall.

Q Are you sure you found this letter in my pocket?

A. Yes.

Prisoner. How do you know this is the very paper, which you found in my possession?

Wit. Because I marked it.

Pris. Where did you mark it?

Wit. In my own house.

Prif. Did not you put all my papers loose into your pocket, and mix them with other papers, which you then had in your possession ; and did not you, after having seized them, go into an anti-chamber of the Privy Council, and there select those which you thought you had found in my custody, from others which were then in your pocket, and bring them out into an adjoining room in separate parcels, with a pen in one hand, as if you had been marking them ?

Wit. Mr. Thelwall, I have no recollection of any such circumstance.

Prif. You declare you have not upon your oath ?

Wit. I do.

Prif. Did not I claim my right of following you through every apartment in my house, to see what papers you took ? In the case of Sidney, and others of a similar nature, the papers which the officers of the crown had seized, were brought to him before they were taken from his house, and after being allowed to look over them, he sealed them up with his own hands. I claimed a similar privilege as my right, and why was it not granted ?

Wit. Because I was ordered to take you immediately into custody by the Privy Council, and I only executed the commission I had received.

John Short deposed, that he found the resolutions of the London Corresponding Society, passed on April 17, 1794, at Mr. Thelwall's house, which were read.

John Gurnel deposed to the identity of a letter, dated "Sheffield, April 27, 1794," signed, "Richard Davidson," and addressed "To Citizen Hardy," which was read.

A letter was then read, which Mr. Timms said, he found upon Taylor of Norwich, and which Taylor believed to be Mr. Thelwall's hand-writing. The letter is dated February 13, 1794, and signed T. Thelwall.

Counsellor Gurney was next examined by the Solicitor General, relative to the letter, which Mr. Thelwall had written him, requesting his advice how far he might legally go in his political lectures, with safety to himself.

Mr. Gurney deposed, that he had lost the letter which the prisoner had sent him ; that, to the best of his recollection, it did not seem to have been dictated any way by the consciousness of political guilt, but from a wish not to transgress the law ; that his answer was written in very great haste, and that he cannot precisely state the sentiments by which it was dictated ; that he meant it rather as a friendly, than a

professional advice ; that he does not think there was any thing in the note of the prisoner, which more particularly called for his caution, respecting not interfering with the monarchial and aristocratical branches of the legislature ; but he knew that the prisoner was warm tempered, and was sometimes apt to speak his sentiments in stronger terms than his sober judgment would approve ; and, he understood, also, that he was watched by spies, who, no doubt, had an inclination to torture every thing he said, into an indication of treasonable intent. He never heard Mr. Thelwall say any thing improper ; he never was present at any of his political lectures, nor at any of the meetings at Chalk Farm.

George Lynham was next called, and examined by Mr. Bower. He deposed that he had been present at most of the meetings of the London Corresponding Society. That he was present on the 24th of October, 1793, when it met in a field in Hackney road, and that the prisoner was there when delegates were chosen for the Scotch Convention. That he was present as a delegate of the London Corresponding Society, when it met on the 9th of April, 1794, at No. 3, Compton-street ; that the prisoner, along with Franklow and Baxter, was there ; that at this meeting a general committee was appointed, and a sub-committee chosen ; that this sub-committee consisted of Franklow, Thelwall, and Stephens ; that part of its business was to draw up an address to all the Societies in town and country, representing the proceedings of the magistrates in Edinburgh, and to deliberate upon the conduct of Mr. Dundas. The witness was not positive ; but he thought that the motion for a sub-committee was made by Mr. Thelwall ; that conversations were frequent, both upon the suspension of the Habeas Corpus Act, and upon a convention at the meeting of delegates ; but he did not recollect what was said. He said, that he was present at the Globe Tavern, at the meeting of the society ; that Thelwall was there ; that he addressed the people ; but that he neither recollected the subject, nor any part of his discourse ; that he staid till dinner, when Mr. Thelwall was in the chair, and regulated the toasts, among which were " The Rights of Man—Citizen Margatot, and may his sufferings be rewarded with the affection of the people, &c." He was present on the 23d of January, 1794, when the committee of delegates met at No. 3, Compton-street. Thelwall was also present, and proposed that a committee be

appointed to watch the proceedings of Parliament every night, and that all the delegates, meet every Thursday evening, when the first part of the motion was carried, and the second part over-ruled. A proposal was also made at this meeting to print hand-bills, stating the grievances which they wished redressed, and to paste them upon all the public places in London, and also to publish the names of those who had given evidence against the patriots ; but this was not carried. On the 30th of January, Thelwall was present at the meeting of delegates. The delegates from No. 11, proposed to divide the metropolis into different divisions, and also to make application to those with whom they are not immediately connected to subscribe for the support of the delegates. This was referred to the Constitutional Society. At this meeting Thelwall moved, that a committee of delegates be appointed to consider of the measures proper to be taken in the present posture of affairs, and this Secret Committee to possess a discretionary power, whether or not to report to the general committee. This secret committee was to consist of Margarot, Williams, Baxter, and Thelwall. It was invested with the power of calling the general committee, but the general committee might dissolve it when it thought proper. Thelwall next proposed to take into consideration, the best mode of encreasing subscriptions for their delegates ; but this was referred to the secret committee. On the 6th of February 1794, the secret committee was represented by Mr. Thelwall as dangerous, and therefore, he moved to have it withdrawn, and at the same time to form another secret committee, the members of which should not be known, which was carried.

The witness was then cross-examined by Mr. Erskine, respecting what he had deposed concerning the proposal of publishing the names of those who had given evidence against the patriots. He denied that he was the author of that motion which Mr. Erskine demanded of him. He said, that he remembered no reason for its being withdrawn ; but upon his being desired to look to his notes, he found out that it was withdrawn at the desire of Mr. Thelwall, that it might not expose any person to public obloquy. Mr. Erskine animadverted, in the most pointed terms, upon this equivocation.

John Taylor was next called, when the counsel for the prisoner objected to his evidence, as being still under the punishment which had been decreed against him for the crime of bigamy, of which he had been convicted. The records

of the last sessions were produced, when it was found that the term of his imprisonment was expired, and that he had paid the fine which had been laid upon him by the judgment of the court; for which reason the objection was repelled, and he was admitted to give evidence.

Mr. Taylor, in giving his evidence, spoke from written memorandums taken at the time:

In the beginning of February, 1794, he attended one of Thelwall's lectures, which concluded with these observations — "Tyranny and despotism are on the eve of dissolution through every part of Europe. The undertaker is knocking at the door, and the coffin is already bespoke. Be steady and resolute, fellow citizens, and your end is accomplished."

About the beginning of the same month, at a meeting on the London Corresponding Society, Richter made a motion that the names and places of abode of the members of the society who resided in the same neighbourhood might be put down in a book, in order that on any sudden emergency they might be easily collected together. A member from one of the divisions said he was sent to report, that information had been received, that the *Habeas Corpus* act was about to be suspended. Richter took an opportunity, in a speech of some length, and in very strong language, to reprobate the constitution and laws of this country, and the administration of them. He concluded with recommending to take measures to provide themselves with arms and ammunition, in order to defend themselves against every attack, whether made by the people of this country or by any body else. He remembered a hand-bill being produced, which was circulated at the theatre, and was written in consequence of the accident that took place at the theatre on the preceeding Monday: it stated, "that though there was no sorrow expressed for the loss of 20 English subjects, yet there was mourning for *Louis*, who had been a determined enemy to this country."

On the 18th of February, 1794, in a private conversation between Thelwall and Hodgson, about the necessity of laws and government in general, Thelwall argued against the necessity of any laws or government in a large state.

On the 20th of February, 1794, there were about 120 members of the London Corresponding Society who met at dinner, (being a general Fast) as he understood, to ridicule the idea of that fast. A lecture was delivered by Thelwall

in the evening of the same day, when he read the paper entitled the Bantum Cock. He observed in speaking of Kings, that the King's Evil was not the only evil respecting Kings.

On the 3d of March, 1794, at a meeting of the London Corresponding Society at New Compton-street, they voted 14 silver medals to the Jury who acquitted D. I. Eaton, and to his two counsel. Their names were to be put on one side, and a Bantum Cock on the other.

There was an address drawn up for Margarot, signed by Thelwall, stating in what estimation the London Corresponding Society held his virtues. It was ordered to be inserted in some of the Morning Prints, and to be sent to Margarot on board the hulks.

A member informed the meeting, that a number of persons, hired for the purpose, were to break up the Lectures of Mr. Thelwall; and it was agreed, that the members of that division should attend and protect him. They all promised to attend, and to arm themselves with some means of defence. When Thelwall came into the room, he confirmed the report. He had a stick in his hand, in which was a sword. He drew it, and said if any one attempted to disturb him, he should defend himself. On the 21st of March, 1794, Thelwall, in one of his lectures, made an inflammatory speech on the court of Justiciary in Scotland, with regard to the sentences of Gerrald, Margarot, &c.—He said they had been convicted on a preconcerted determination.

At a lecture, the 28th of March 1794, Thelwall observed that there were inquisitions at present for men's private thoughts, and as a proof of that he brought forward John Frost. He observed that it was neither treason nor sedition for a man to say he wished there was no Kings, only adding it would be better if there was no Kings.

On the 31st of March, at a meeting of the society, a circular letter was to be sent round to all the societies, stating the necessity of a general Convention. It was agreed also that there should be a general meeting of the society on the 14th of April next. That meeting was to be held in Store-street. Thelwall said the measures to be brought forward at that meeting were of so much importance to the society at large and to the cause in which they were engaged, that secrecy was absolutely necessary.

The witness next described the meeting at Chalk Farm on the 14th of April, where near 2000 people attended. It

was here a subject of debate, whether the question should be put on the resolutions in the gross, or on each of them separately and distinctly? Mr. Thelwall observed, that if they voted them in the gross, it would have the appearance of smuggling them: and he should be sorry if that meeting had any affinity to a certain house. He spoke of spies, and particularly of one Walsh Lavender, and said the last person's name was very necessary to perfume such dirty business.

In his lecture of the 16th of April, he adverted to the subject of arms. On the 22d of April, at Robin's Coffee-house, it was observed, that it was in contemplation to bring in a Convention Bill, and if the society did not use the greatest dispatch, they would not have an opportunity of calling a general Convention of the people. Another member observed that that would sooner bring them to their point.

On cross examination by Mr. Gibbs, the witness said, the notes from which he spoke were not the original memorandums which he took. He wrote his original notes the same day, or the day after the transactions happened, and the notes from which he spoke, were copies immediately taken from these original notes. The substance was the same, the sense the same, and the words the same.

Mr. Erskine and Mr. Gibbs contended, that the witness ought not to have been permitted to speak from those notes as they were copies and not originals which he took at the time.

Lord Chief Justice Eyre, without hearing the other side, was clearly of opinion, that the witness might speak from those notes, which ought, properly speaking, to be considered as his original notes, and the rough draft from which they were taken only as the inception of them.

The Court adjourned at nine o'clock.

THIRD DAY.

Wednesday, December 3d.

Mr. Erskine rose, and observed, he again had the honour of addressing a Jury upon the subject of the matter charged in these indictments. He addressed them under circumstances somewhat new and singular, and not without peculiar embarrassments. The first was, being so unexpectedly called upon to rise in his defence; he could not complain of his

learned friends, because they had abandoned the proof of much matter, which in the outset had been relied upon as material. Such indeed as he had conceived would be pressed as most material, it would ill become him therefore to complain that it was not adduced. The next embarrassment he had a right to complain of. It was of that enormous mass of evidence which even Lord Chief Justice Eyre had declared to become more unintelligible by a second repetition, than it was at the original view of it. Another embarrassment was, that although Hardy had been acquitted, and consequently the conspiracy negatived, yet still this cause proceeded. All these, though at first view they might seem favourable, yet it was astonishing to see the cause going forwards, and a conviction asked, with an energy which it was impossible to bring twice into the field. The head turned, and the stomach nauseated at repetition of the same things. The learned counsel who had conducted the former cause, had deprecated the prejudice which went abroad; but what were the prejudices against him, when compared to the prejudices of a man standing for trial of his life before the public; and when every thing he had had done was produced like a volume before the public. Some malignant and scandalous ruffians had not hesitated to declare, that as a jury had not done justice, the people themselves should take personal vengeance upon the men acquitted. He had not handed these papers to the King's Attorney General, nor had moved for attachments, because the authors were unknown to him; but doubtless at this statement the jury would feel every principle of Englishmen roused within them, and every feeling of man blown into a flame. This therefore, instead of injuring, would serve their cause, and thus it was, that an over-ruling providence bends every thing to its own wise purposes. That those whose sense would not lead them to serve the cause of virtue, yet the exercise of their villainy should lead to the same end. Having said this, he meant to apply to the charge and evidence. He did not call upon them for mercy, but he asked strict justice: if the jury should be of opinion that he had incurred the charge laid to him, then, he said, convict him; but if there appeared no colour of guilt, then, leaving mercy aside, he demanded only justice. Through the whole course of Criminal Law, its precision was one of its noblest parts, which not a hair of a man's head could be touched upon a criminal charge, without sufficient accuracy in the crime charged. In this case,

the indictment must charge the fact of compassing and imagining the death of the King; and, upon the authority of Lord Hale, he would tell them, that unless he was so charged the indictment was bad. The next thing necessary to be proved was, the traitorous purpose and intention.—Lord Hale says, that compassing the death of the King being an act of mind, the statute required that some act should be done which should manifest the intention. Here the indictment charged a design to subvert the rule and legislation of the kingdom, and to depose and bring to death the King. The overt-act charged, was that of conspiring to assemble a Convention. If it had stopt here, there had been no criminality charged, but it went on, which Convention was to destroy the legislature, &c. and bring to death the King. The only matter for the jury here to decide was, the plain unintangled matter of fact, whether the Convention to be assembled was to be assemble with such intent? Not whether such or such might have been the probable consequences, but whether in reality and in fact such was the intent of assembling them.

The first part of the indictment here contemplates the general matter, and then descends to particulars, shewing how it was to be affected. Pursuant to this, it states that the prisoner, together with Mr. Joyce, who is acquitted—Mr. Bonney, also acquitted—Mr. Sharp, who is called as evidence on the part of the Crown—Mr. Lovatt, against whom a bill was not found, that the prisoner, together with these others, did conspire, and consult to procure such Convention. It must be proved that it was for the express purpose charged, that these meetings were held, for if the foundation fails the roof must of course fall in. There was also another charge of a conspiracy to levy war. If this should be proved, and they should believe they intended to levy war against the person of the King, it would be good evidence of an overt-act of conspiring the King's death; but it was necessary to prove these things, and if they failed, it mattered not whether his client was a prudent man or a rash one. It behoved them to shew him a traitor, and a traitor of that particular description with which they charged him. The learned Serjeant had, in opening this case, spoken four hours and a quarter, without introducing a single piece of evidence that was new; he hoped, that without replying so long, he should not leave a single piece which the learned Serjeant would think worth supporting.

Here Mr. Erskine commented, with great ability, upon the written evidence ; the first piece that had been introduced was the meeting at the Three Tuns tavern, in Southwark, and it appeared that they instituted themselves into a society for Parliamentary Reform, with a design of corresponding with those societies, whose objects were similar to their own. This society was connected with the Constitutional Society, and that was represented as the chief spring of this great conspiracy. Mr. Tooke, a man of capacious mind, and unfathomable art, as had been said, was the chief spring of this society—he had been tried and acquitted — Hardy secretary to the other society, was represented as a man composed of the same ingredients—He too had been tried and acquitted. If the verdicts in these cases had not been satisfactory, why let loose those other gentlemen, Messrs. Joyce, Kyd, Holcroft, and Bonney. It was not unworthy the notice of the gentlemen of the Jury to attend to the evidence of Mr. Taylor, who was called by the crown to give an account of the Southwark meeting ; and at the same time, to remark the difference of the testimony between those who were honest and those who were notoriously hired spies and informers. A man must have a pretty large swallow to take down all said by the latter ; and no one man had come forward to corroborate what had been asserted by them.

The object, then, as said Mr. Taylor, of the Borough Society, was Annual Parliaments and Universal Suffrage, whether they judged ill or well it was not for him to determine—that was a mere matter of opinion ; but in pursuing this opinion, they built upon the plan of the Duke of Richmond. They looked into his book with the same veneration as a Mahometan views his Alcoran. He would read some of it to them to shew them how useless and nonsensical it was to be frightened and alarmed at words. These men thought as his Grace had thought, that if the voice of the people could be collected and carried to Parliament, it must have its effect. Separate petitions from small bodies they did not expect to be so effectual, and he would use the words of the learned Serjeant himself, who, in his opinion, had said, that the voice of the people had even been attended to by Parliament ; so thought his client. In all their papers, they continually use the term of “ the People,” and do not distinguish themselves, or claim any thing as individuals, but what was due to them as a part of

the people. If in pursuing these measures they committed any excesses, it was sedition, something resembling the *Seditio Regni* of Scotland; but so far from any design of effecting the King's life, they believed his throne would be more secure, his Crown more brilliant, and his personal happiness more compleat, if they could effect their intended Reform. He took it for granted the Duke of Richmond did not, when he published his plan of Universal Suffrage, wish to give up his rights. He was descended from the Kings of the country, and covered with splendour:—Surely he never intended to produce such convulsions as was said must attend the measure! He mentioned these things, not to blame the noble Duke; he blamed no man, but he adduced them as evidence in favour of his client. The learned Serjeant had stated, that among the papers of 1792 he clearly discovered the *Nucleus* of this Convention thereafter to be held, but his client did not become a member till long afterwards; the first evidence being a paper to prove him a Delegate in October 1793, at which time the whole business of this Convention had been carried into effect.—Hardy, who had been the first mover of this Convention, and, according to the words of the Chief Justice, had beat up for a Convention, had been tried and acquitted, and he contended, that such acquittal must proceed from a total negation of the conspiracy. The next time when Mr. Thelwall is introduced, is at the instructions given to the delegates. What were they. Did they not correspond exactly with his former declarations and opinions? The proceedings of the Scotch Convention had been also read, and it was said, they had proceeded to acts totally destructive of the Constitution and Government of this country.

Mr. Erskine here again went into the proceedings of the Scotch Convention. The whole of this had been before brought against Hardy, who had signed and was connected with every paper and transaction brought forwards. Mr. Thelwall was not. But the Jury were required to believe, that whatever sentiments others had, he came *alio intuitu*, with a mind prepared for mischief; though it had been sworn by witnesses that he had declared reason and argument were the only weapons, which, in his opinion, ought to be used; and instead of designing to destroy the Constitution, by the testimony of all the witnesses, it appeared as far from their thoughts as that of plucking the stars from their spheres.—The Friends of the People had been introduced into this

cause to shew that they thought the other Societies were going to lengths which in their opinions, were dangerous, but in fact it was not so. If they had conceived the Convention to be assembled was for the purpose which had been now stated, what would have been their answer to the letter which requested them to send Delegates? The Secretary of State would have answered it. They would have been guilty of misprison of Treason if they had concealed it.—The Jury had been requested to find the Constitution of the mind from the tenor of the Lectures.—Out of the fulness of the heart the mouth speaketh.—They were desired to believe, that the Lectures delivered by him consisted of abuse of Government. These Lectures had been delivered to support an aged parent by the produce of them; and Mr. Thelwall had exerted his reason, to furnish the comforts of life to another near relation, who had lost the use of than faculty.—In every case, the magnitude of the evidence ought to be proportioned to the cause. He had never said that spies were to be totally disregarded; but when they contradicted all the other evidence, and asserted things grossly improbable upon their face, they ought to be heard with many grains of caution. These lectures were delivered before many thousand people at different times; every one was admitted; and many of them had been published. Was it probable—was it possible—that he should beat up for the gallows in so public a manner? England must be far gone indeed, if not one honest man would step forward, and give testimony in behalf of his country.—Dangerous was the situation of the Constitution, if it was only supported by such rotten pillars—Spies and informers.

What account did this man give of the lectures? That Thelwall made a flaming speech! Why that was not evidence to recover vol. in a common action; and what was the temper of mind the man carried with him, was it not for the express purpose of catching every thing unfavourable? This man, who came forward in this public manner, had been convicted of perjury. To enable him to commit a felony he had commenced with perjury; he had sworn himself a bachelor, for the purpose of contracting another marriage when his former wife was still living. Supposing this man had been no spy, and the Jury had given credit to him; who would be safe if they were to be judged upon the words that might escape from them in the moment of heat or incaution.

What man was there who had not at some time of his life

spoken irreverently even of the God he adored; Who amongst us had not at some time of spleen spoken disrespectfully of the Government under which he lived? Nay our nearest relations and best friends had perhaps, in a moment of anger, been severely spoken of. Mr. Justice Fortter told them how dangerous it was to judge a man for words, spoken perhaps in the heat of blood, and that it ought to be taken with many grains of allowance. What would they then say to a man who came forward and insulted their understanding with a perjury proved upon him. Mr. Linam, another spy, also deserved little credit, from the manner of giving his testimony; when he told them, that at a meeting of Delegates it was proposed to publish the names of the witnesses against the Patriots, he added, but it was not carried.—When asked why he did not state Mr. Thelwall was the person who opposed it, he said, because he did not think it material. He thought his name ought to be struck out of all consideration. He did not wish merely to gain a verdict of acquittal, but to restore this unfortunate gentleman to his friends, his country, and his reputation.—He should produce a cloud of witnesses to his character and peaceable deportment.

Mr. Erskine commented upon the letter supposed to be written to America, and argued, that a man might be a Republican, *quoad* France, without being inimical to the Constitution of this country. He concluded, by expressing the utmost happiness in having the assistance of his learned friend, Mr. Gibbs, which would never be obliterated from his mind. He said, the duty he had gone through had been so laborious, that he never thought of doing the like again. He did not feel any anxiety for having so done, except the anxiety which must ever attend an English Advocate, when the life of a fellow-citizen was at stake.

The court adjourned at the usual hour to take refreshment.

At four o'clock being again met, evidence on the part of the prisoner was called in.

Mr. John Horne Tooke, examined by Mr. Erskine—Spoke of what he believed to be political character of the Constitutional Society :—its object was to belong to no party, but steadily pursue its purpose—this purpose was at all times avowed, that of correcting abuses. Party men frequently came into it, but always went out again voluntarily, finding its views different from theirs, which more regarded persons

than measures.—He did not however say that the society had never changed its objects of a secondary description.—They no longer looked as they once did, to any reforms in the ecclesiastical Government of the country; they had given up the subject of tithes, and he believed Universal Suffrage in elections.

Remembered something of a correspondence between people calling themselves the London Corresponding Society; it was not a matter that pressed strongly upon his mind. Never saw any thing in the society which gave the least colour of a disposition hostile to the establishments of this country.—Would venture to advance it as his opinion, that he must have known of treasonable designs had there been any such entertained, because he ever conceived himself a man much suspected of treason; that is to say, such an one as treasonably disposed people would have trusted. None knew of his Monarchical principles! Parliamentary Reform was the avowed object of them all; only differed as to the extent of their views upon the subject—Had no notion that any meant to exceed the duke of Richmond's plan—As different divisions of the society met at different seasons, their objects appeared to vary.

There were undoubtedly among the mass some of weaker intellects than others, but in general the arms of reason were those only resorted to—He did not believe that any of the writings circulated by the general approbation of either of the societies were intended to excite rebellion, or any thing like it.

Only remembered the appointment of the Scotch delegates as a matter of hearsay, except in a single instance, when it was proposed by a member in conversation, not then determined on. His objection to such a convention was, that he did not think it sufficiently respectable to command the attention of Parliament, or he should have no objection to sending delegates, as he never looked upon it as assuming the character of a legislative body—Knew little however of its proceedings.

Did something in the pecuniary way for Sinclair, a delegate, a man who was never prosecuted.—Agreed to thanks being given to Paine for the first part of his Rights of Man, not because he thought there was much good in the book, (he did not think one-third of it worth reading) but because it pointed out some abuses bitterly.—If called upon to speak his own political disposition freely, Mr. Tooke said he was

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ever inclined to act, as far as the law went with him, in provoking those who wished to act beyond the law.—He never thought Mr. Paine's book went to subvert the Government of this country—Did not think such was Paine's object. Mr. Tooke ever differed with him widely, but did not quarrel in consequence; and once Mr. T. remembered, that to pacify him he was obliged to promise not to differ with him for three months.

It here became necessary for the Attorney General to observe, that the evidence was becoming somewhat irregular.

Mr. Tooke proceeded.—He believed he moved the address to the National Convention of France---the address itself was the work of Barlow---in doing so witness had not changed his original principles any more than the society with whom he acted had changed theirs.---At that very point of time himself was even more kindly disposed towards the Constitution of England than he had been on a former occasion.---The united motive both of himself and the society, in rejoicing at the progress of French freedom, was not that of giving a signal to the people of England to follow a French example.—The private reasons of the witness originated in a knowledge by experience and an abhorrence of the old system of France.—Could not however take upon him to speak of the motives of every individual.—Mr. Tooke here was proceeding to tell a story of his own particular experience in France in the character of a private man, though injured yet insulted by a person of rank, without the means of redress when it was again suggested to the Court that he was wandering from the purpose of the moment.

He repeated what he had said, that he did not believe there was any ill intentions entertained by the societies—could not in conscience have held any correspondence with them if there had.

Mr. Thelwall he had known ever since the year 1790—he then recommended himself to him by his voluntary activity in his cause at the Westminster Election. Mr. Thelwall had for two years dined at the table of Mr. Tooke, at least once a fortnight—in all that time never heard him express himself amiss on the subject of the Government of this country—never in the course of his four years knowledge of him heard of any sort of criminality attached to his character.

Mr. Bonney examined. Witness became a Member of the Constitutional Society in the Spring of 1791. The

evidence of this gentleman was briefly an echo of the foregoing, so as it related to the views of the different societies. So likewise, speaking of the character of Mr. Thelwall, Mr. Bonney never heard him express himself hostile to the Government of this country.

Captain Harwood, of the 16th Regiment of Dragoons, spoke almost precisely to the same effect.

Cross-examined by Mr. Bower. Such papers he had seen circulated were of a moderate character, excepting in a few instances. Considered the proposed Convention only as an organ through which the people were to petition Parliament.

The letter written to Norwich was here produced, in which it said that no hopes were to be obtained from Parliament. Witness was questioned if he had agreed to the sending of that letter? He acknowledged that he had, and signed it. He afterwards, in answer to Mr. Erskine, said, that the hopes of the Societies were, that by frequent petitioning Parliament would at length be obliged to accede to the proposed measure.

A dispute here arose on the admissibility of the evidence of Taylor, who had spoken the preceding evening so largely from his notes, on account of his appearing, in the opinion of the Counsel for the prisoner, in the light of a perjured man, as it was contended every man must be who had married two wives by licence; since to procure a second licence, he must have made an affidavit that he was a single man.

On this head the Court determined, that from whatever motive the man might have acted in the commission of the crime of bigamy, his credit had been restored by a legal process.

With a view to disqualify him, however, the Counsel for the prisoner brought forward two witnesses to prove that he had perjured himself on the pending trial, inasmuch as he had sworn he never borne any other name than that of Taylor.

J. Topham, porter at Grey's Inn garden gate, knew J. Taylor, took care of a horse and chaise for him, heard him however sometimes called Roberts.

On his cross-examination the witness admitted that he was at the same time called Taylor.

D. Phillips swore, that till lately he never knew Taylor by any other name than that of Roberts—he had lodged with

him—found him at length in Newgate, in consequence of some information he had accidentally met with—was there told by him to say, if it was inquired, that his name was Taylor.

Mr. Cline, surgeon, sworn. He had known Mr. Thelwall seven years—chiefly spoke to his character as a correctly moral man. Politically he was a strong advocate for a Reform in Parliament—he had always the habit of expressing himself warmly in argument, but the witness thought he had no bad intentions.

— *Parkinson*, Hoxton-Square, had also known the prisoner seven years, about two of these intimately. His lectures were generally built upon the principles of natural right of man and good laws—no transgression of the latter was ever perceivable in the conduct of Mr. Thelwall.—Against the Government he never spoke contemptuously though sometimes warmly against Ministers, otherwise he never discovered any disposition to violence. Witness ever looked upon him as a man of superior genius—frequently feared for him that his meaning, some way or other, might be perverted to his disadvantage—He considered him as very amiable in his character.—His family, he believed, consisted of an ancient mother, a wife, a child, and a brother somewhat deranged in his mind.

On his cross-examination this witness acknowledged himself a member of the London Corresponding Society—was present at all the noticeable Meetings at the Globe, Chalk Farm, &c. &c.—wrote a paper, called Reform better than Revolt, ending with the words “ Tyrants! Tyrants! Tyrants!—had seen Hodson (one of the accused persons not in custody) the day before—had himself acted in the character of a Secret Committee-man since the late apprehensions, in concert with Burks—did assist in a paper, called Reformers no Rioters; concluded, however, by saying, that he never thought of any harm entertained against Government, or he should have thought it his duty to have given information before a Magistrate.

— *Clark*, surgeon, gave Mr. Thelwall a good character—Witness attended no political societies.—Knew Mr. Thelwall at the Medical Society, always conceived him to be a peaceable man.

G. Wilson, surgeon, had known the prisoner from a child. Spoke of his domestic character in the highest state of pene-
negeric.

Questioned by the prisoner.—Had known him in situations of extreme distress, labouring in his literary occupations to maintain a mother, a wife, &c. out of 50*l.* a year. Never heard a whisper to discredit him.

Here ended the whole evidence brought forward on this case.

At the close of which, Mr. Gibbs in a short but very able speech, addressed the Gentlemen of the Jury in behalf of the prisoner. He observed, that he had no more conception that he was to speak on that case that day, than that he was to speak to the case of any other prisoner that might be tried. He had had no time for preparation; he had not even time to look back at the evidence. He had only some faint recollection of a case similar to that which was formerly described by his Lordship in his charge to the Jury; a case, which from the immense mass of evidence contained in it, was more likely to overpower the mind the second time it was considered, than it was the first. His observations should be very few and general; and that he might not be included among the number of innovators, he should not attempt to state the law on this case, but should leave it to be stated by the Court. He should only observe, that the commission under which the Court sat, had only a jurisdiction to try persons charged with that branch of High Treason—the compassing and imagining the death of the King.

Mr. Gibbs paid many compliments to the abilities and exertions of Mr. Erskine, without whose assistance and support he must have sunk under the load that was cast upon him.

He observed strongly on the evidence that had been adduced against Hardy and Tooke; that these two persons had been considered as the leaders of two Societies by the Gentlemen on the part of the Crown, when it suited their purposes; but two Juries had found that their intentions had been perfectly innocent, and yet those who had been considered as the underlings, were still to be prosecuted on the same evidence. There was no doubt but that Hardy and Tooke had participated in many measures of the London Corresponding Society, and of the London Constitutional Society; and those measures had been produced against the Gentleman at the bar, though he was not a member of those societies during a great part of the time when those measures were adopted by those Societies. He

compared Hardy and Tooke to the Generals of two armies, and that after it was certain that the Generals did not mean to march to a certain town, still it was supposed that their soldiers did. It was supposed by those who prosecuted for the Crown, that after the two ringleaders of those Societies had been acquitted, that still the underlings and those who were guided by them in all their conduct, entertained different views from their leaders, and that they were more guilty than them.

The learned Counsel then adverted to spies that had been produced on these prosecutions.—He asked the Gentlemen or the Jury what reliance they could have on the testimony of such a man as John Taylor, who had lately been convicted of felony. He was married a second time by licence; and therefore he must have made an affidavit that he was an unmarried man, though the fact was that he was married.

On cross-examination, Taylor declared that he had never gone by an other name than that of Taylor, and the learned counsel said that he believed him, and thought he must have been misinstructed when he was told that he had gone by a different name. He had produced two witnesses, who had expressly proved that he had gone by the name of Roberts. Mr. Philips, one of these witnesses, did not know all the time he lodged in his house, which was about three quarters of a year, that he had ever gone by any other name than that of Roberts. It was certain he was the man, for Philips had visited him in Newgate; and as Taylor had committed perjury, so he wished to commit subornation of perjury, by persuading that witness to swear that he went by the name of Taylor when he lodged in his house, though he never knew him go by that name during the whole time. He was certain that when the gentlemen of the Jury had fully considered this case, they would see the evidence against the gentleman at the bar was infinitely weaker than it was against some of those who had been acquitted by a Jury of their country.

FOURTH DAY.

Thursday, December 4th.

The court met this day at nine o'clock.
Serjeant Adair rose, and said, that it was now his duty to

observe on the whole of the evidence laid before the court and the gentlemen of the Jury. This was the most important part of his duty, as it was necessary that he should make the case as plain as possible to the understanding of the Jury, as it was equally important to the ends of public justice as to the unfortunate gentlemen at the bar, to shew whether he was or was not guilty of the heavy crime charged in the indictment. His learned friend, Mr. Baskin, had admitted that the prosecution on the part of the crown, had been hitherto conducted with liberality and honour by those with whom the learned serjeant was acting.

He thanked him for the compliment, and in speaking now to evidence, he would endeavour not to submit any thing that should entitle him or any man to change that opinion of these prosecutions. His learned friend, Mr. Erskine, in his opening speech, had thought fit, with his accustomed zeal, and with a considerable share of asperity, which the circumstances in his mind of the case did not require, declared that he could not contain his indignation, to see an accusation brought forward against a friendless man, of which Mr. Hardy and Mr. Tooke were acquitted, who were principal actors in the proceedings. But the learned serjeant said, he would appeal to him and to the court, to whom he was known, if there were any thing in the temper of his mind, or in his conduct, that justified any man in saying that he would wantonly oppress the unfortunate gentleman at the bar. He would appeal to the court and the Jury, if any thing occurred in the conducting of this case that warranted any such imputation.

Much of the evidence against the persons acquitted was proved in the present case, and he would strenuously deny what had been advanced by the counsel for the prisoner, that much of the evidence, which in his opening speech he said he would bring forward, had not been touched. He warned the Jury not to be led away by such arguments, for it was necessary for them to become acquainted with the views of the prisoner at the bar, to have much of the evidence brought forward on former trials produced, as it formed a link of the general conspiracy. But he did not call for a verdict against the prisoner, except on a full and fair view of the case the Jury found that it personally attached to the prisoner.

He would not in the present case follow the example of his learned friend, as he would promise nothing that he did

not mean to perform. He would not content himself with general observations, but would go through the whole of the evidence. Instead of conducting himself so, the counsel for the prisoner observed on very few of the circumstances which occurred in the evidence produced. He would not follow him in this, neither would he observe on the whole of the matter of his very energetic and eloquent speech, but should endeavour to take notice of the most material points on which he touched. He would reduce the whole of the observations and evidence under their present heads, and would apply them according as they occurred, or appeared applicable to the case before the court.

Speaking as to the general observation, his learned friend said, that the Jury should not judge of the law, but the matter of fact. To this opinion he clea fully subscribed, for the Jury were not bound to take any thing authoritively as to the law but what came before the court. Mr. Erskine had stated one point to which he would agree, that if any thing would endear the Constitution more than another to the people, it would be the fair administration of public justice. This was true, and this it is that makes Britons venerate that Constitution and those laws, whereby the hair of a man's head dare not be touched without a specific charge stated against him, being proved to the satisfaction of a Jury of his country. He trusted, therefore, that the truth of this proposition would have due weight, and give the lie to every wicked insinuation, that the laws were not fairly and justly administered. It would have due weight with those acquitted, and others who have been deluded by the insinuation, that Britons were no longer free. The people, he hoped, would benefit by the mercy manifested in the criminal law, and he hoped that it would make a due impression on the public mind. Whether it had this effect or not on one of the persons acquitted, and who appeared before the court, the Jury would discover. If the Jury did not clearly and distinctly perceive that the acts charge against the prisoner were not clearly proved, he did not call on the Jury to convict him. He did not call for conviction on general assertion, nor on general evidence; he required it not, except the acts followed up by the prisoner brought against him the precise charge.

The learned Counsel for the prisoner said, that you must charge the death of the King in the Indictment; this was true; that this is the species of Treason laid in the Indict-

ment was also unquestionably true. The acts which constitute Treason are as various as the wicked machinations of those concerned are different. As to the Convention, that was pronounced no crime; but this rested with the Gentlemen of the Jury; and it was not now his business to enquire how far it was or was not a crime, agreeable to the evidence given to the Court and the Jury. The Indictment goes farther than the bare mention of a Convention; it states in a subsequent overt-act, that it was intended for the purpose of acting against the will of Parliament, and thereby to depose the King, and alter the form and rules of Government.

The learned Counsel said, that they would not stand on the law but on the fact; and here the learned Serjeant said, that he would assert with confidence, that the prisoner, with others, did meet and consult for the purposes of High Treason. The Indictment charged that they had procured arms for the specific purpose of deposing the King by force; and it was expressly stated in William and Edward, that if every other overt-act charged had failed, this alone was sufficient to constitute High Treason. If therefore arms had been provided for the purpose of deposing the King, and subverting the form and rule of Government, it signified not whether the object was to be attained by a Convention or otherwise.

In the speech made by Mr. Gibbs, in speaking of the act of Ed. III. he wished to drop the second treason mentioned. And what was the inference which he wished to draw, that this Government could last for 200 years, in which it was not treason to depose the king. The treasons mentioned in that act are incorporated in one, and the law is, that to compass to depose the King is treason. His learned friend who spoke first in behalf of the prisoner, had attributed to the learned Serjeant, that he introduced a great deal of matter in his opening speech which he did not bear out by evidence; but he appealed to the Jury if he did not, paragraph, by paragraph, and paper by paper, produce evidence agreeable to every assertion he had made in his opening speech on behalf of the crown. He had, he said, brought forward the evidence fully to his satisfaction, and he was resolved not to depart from it in his reply.

His learned friend had stated, that he was embarrassed to discover how the prisoner could be put to his trial on charges of which four other gentlemen, equally implicated, had been

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acquitted. He had approved of the honourable conduct of the Attorney General, and every person in the Court must join in approbation. The learned Serjeant said, he bowed with reverence to the verdict of his country, and it would ill become him, after they been acquitted, to attribute to them guilt, but he was firmly persuaded that there was not a man in the kingdom who was not convinced that a conspiracy did really exist to depose the King, and subvert the government. But it was his duty to state why some had been detained and others discharged. The Attorney General, on an aggregate view of those materials which he had to produce against the gentlemen acquitted, found that they so nearly corresponded with the evidence brought forward against Mr. Tooke and Mr. Hardy that he did not wish to take up the time of the Court, or give it more trouble, in deference to the verdict already obtained on their trial.—It was incumbent on him to shew on what grounds this case stood different from the other trials. He would follow in this particular the learned Counsel, who spoke more of former trials than that which at present occupied the attention of the Court and the Jury. The grounds of the present case were essentially different. The evidence brought against the prisoner was distinct from what was brought forward on former trials. It proved the existence and perpetration of the crime charged, which was brought home, he insisted, by distinct evidence.

It had been observed that he spoke four hours and a half. He had to apologize to the Court and the Jury for the patience they had manifested. But it was not an unreasonable proposition to advance, that the great body of evidence produced, and the importance of the cause, did not suffer it to be placed in a narrow compass.—The Court and the Jury were judges if he departed from the cause, or was irrelevant or impertinent in his remarks. Had he stopped short and satisfied himself with bringing forward alone the evidence which had been produced on former trials, the Jury must then have acquitted the prisoner, because he rested satisfied with stating facts which did not convict others, or implicate them in matters with which they were charged.

A great portion of the evidence applied to shew the general view and intention of the prisoner, and those with whom he associated. It was material to investigate the characters of this particular body of men, among whom he became an active leader, whether they are innocent in their intentions,

or, as the indictment states them, to be guilty. Each of these cases, he insisted, stood as distinct and separate as any two indictments that ever were tried in a Court of Justice. It was necessary to discover whether he, the prisoner adopted the criminal views of those with whom he had acted ; thus far the learned Serjeant said, he had produced evidence, and it would be irregular to have gone a jot further.

His learned friend was not so scrupulous ;—he had had recurred to a great deal of evidence that had occurred on former trials. But though six of the Jury served on the trial of Mr. Hardy, yet not a syllable of evidence on that trial could now be taken in cognizance on the present. They were now a distinct Jury on a distinct cause, and should decide accordingly.

It had been insinuated by both his learned friends, that if Hardy was innocent, Mr. Thelwall was so too ; but it must be recollected, that the defence set up for the former by these learned gentlemen was, that Hardy was a plain ignorant tradesman, and knew no more about what he signed than the pen in his hand. But while the counsel for the crown was condemned for bringing forward witnesses against the prisoners, who were implicated in his proceedings, he was surprised not to have seen an half hundred of the London Corresponding Society appear to prove the innocence of Mr. Thelwall. But his counsel acted prudent and cautious in not doing so, and brought forward Citizen Parkinson alone, as so called by the prisoner, on whose evidence the learned Serjeant made many observations.

He next adverted to the letter of Norwich—the members of that Society were plain men ;—they knew not the object of the London Corresponding Society, and asked them if it were its intention to pluck up Monarchy by the root, and place Democracy in its stead. This was the construction put on their proceedings by their own friends, that they “ meant to pluck up Aristocracy by the roots.” It was not therefore the double construction on their proceedings by the crown lawyers, for the letter was convincing evidence, that their object was to depose the King, and subvert the rule and order of Government.

The learned Serjeant after having particularly dwelt on the letter of Mr. Thelwall to his friend in America, said he could not conclude without noticing what fell the last evening from his learned friend (Mr. Gibbs) “ that the Jury should be regardless of the frowns of power, and acquit the

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prisoner, when they would have the acclamations of their countrymen."

Mr. Gibbs interrupted Serjeant Adair by saying, that the words imputed to him he had never used, and that they were a disgrace to any man; the words he used were—that the Jury by their Verdict would receive the thanks of their country;—he never mentioned the word *ACQUIT*.

The learned Serjeant was satisfied with the explanation, which he was happy he provoked, as it had given Mr. Gibbs an opportunity of convincing him there was an error in what he conceived.

He added, that what had just occurred had reminded him of a matter on the subject of Juries, which had appeared in the evidence, not to be passed over—this was the affair of the medals that had been struck, in order to present to twelve Jurymen, who, in a case of prosecution for a seditious libel—a measure thus taken by the very party who are involved in the present case, as if purposely to poison the pure channel of British Justice at the fountain head!

But Juries in this country are not composed of materials so as to be influenced—As convinced am I, said the learned speaker, as I am of my own existence at this moment, that the Gentlemen I am now addressing have that value for the cause of truth, that they will look through every thing that has been said on this trial with a view to influence their minds though said fairly in the way of argument, up to the evidence which has been given, and on that alone will they decide with Justice, and as I set out with saying, that if doubt for a moment exists, let them incline it to Mercy!

The Lord Chief Justice then proceeded to charge the Jury; in doing this he went through the whole of the evidence which had been adduced; and first that on the part of the prosecution, in the course of which laborious task he commented with his usual candour and ability on every material passage, pointing out with precision where he conceived the charges weakly supported, and where more strongly; he was careful to distinguish between what attached generally to the societies with which Mr. Thelwall had acted, and that which was supposed to press more closely to himself. In doing this he necessarily re-trod much of the ground he went over in the former trials. Such new evidence as occurred, which applied more immediately to Mr. Thelwall's case, he simply

re-capitulated nearly in the words in which we have stated it, reserving his particular observations till he draws towards a close.

The Court adjourned at nine o'clock.

FIFTH DAY.

Friday, December 5th.

When the Court met, the *Lord President* proceeded in his charge. He recapitulated the testimony of Messrs. *Kydd, Horne Tooke, Bonney, Harwood, Cline, Parkinson, and Wilson.*

He observed, that the evidence of John Taylor was rendered unsatisfactory by testimony of two persons, Topham and Phillips, who had directly contradicted his assertions upon oath, that he had never gone by any other name than that of Taylor. This most undoubtedly, he said, must materially affect the evidence of Taylor: to what extent it should affect it, was for the Jury to judge, as the contradiction did not affect his competency, though it certainly militated against his credit. On all disputable points it ought to have a very extensive effect on his evidence; but were confirmed by other witnesses, there seemed to be no reason for not giving credit to him — It was entirely for the Jury to determine how far this had been the case, and what degree of credit they could give to the evidence of such a man. After the evidence had been recapitulated, the Chief Justice proceeded to make some remarks on the whole of it, as follows:

This, Gentlemen, is the whole of the evidence on the part of the prisoner, which has been given in a manner well calculated to make an impression on you, and it certainly deserves to have great weight with you. The evidence being brought to a conclusion, you will soon have to discharge that part of the duty allotted to you in this momentous case. I shall not trouble you at great length:—the law, or the case, seems to me to be sufficiently clear: it is decided, by all authorities, that a person who undertakes to overturn the Government of the country, and to depose the King, certainly must have in view the destruction of the King: this has therefore been considered as a mani-

fest overt act of compassing and imagining the death of the King.

The real question is a question of fact. My opinion is, that the substantial overt acts charged in the indictment are the first and the second, which say that they conspired to call a Convention for the purpose of overturning the Government, and published certain writings to stimulate the minds of the people to a disaffection to the Government. If the first be proved, it is sufficient; for though there are nine counts in the indictment, yet any one of them, substantiated, will prove the indictment. The late events seem to have laid out of the question the two next overt acts. As to the remaining five, supposing them to be well laid as to form, in point of evidence the matter of them seems to me to be circumstances belonging to the conspiracy, rather than independent overt acts of the treason charged.

That the prisoner has participated in the general design of raising a Convention is clear. For what purpose that Convention was to be called, is the question you are to determine; and this is a pure matter of fact, and must be proved by those who conduct the prosecution; it lies wholly on them to make it out; they say, they can do so. You will, therefore, turn your attention to the circumstances of the evidence: they principally arise out of the written transactions of the London Societies, and the different Country Societies with whom they were associated. These transactions have been laid before you at considerable length; you have heard them uniformly read to you several times, and commented on more than twice: a few more observations must be made to them. By way of preliminary, I shall say to you, as I have said on a former occasion, that in looking into these transactions, and discovering a variety of violent and indecent expressions, you ought not to proceed in your judgment on any nice criticism, nor adopt any conclusions which are to be derived from subtle and refined observations on particular expressions.

Mén express themselves with more or less accuracy according to their various attainments in the knowledge of the niceties of language, and the difference in their temper at the time of composing their writings. You ought not therefore to draw from critical examinations of particular expressions to the prejudice of the prisoner.

In animadverting upon the Address to the Convention, his Lordship asked, why had Joel Barlow been employed to

draw it up—he whose Republican principles they could not have been ignorant of? When the Societies spoke of the Convention that they intended to assemble, they hinted that it would ease the people of all their grievances under which they laboured. Under this head they had included the Aristocrats, the Bench of Bishops. Now, whether a Convention assembled for the purpose of obtaining a Parliamentary Reform, or any Convention, except such a one as the National Assembly of France, could give redress of this kind, it was for the Jury to consider. At the latter end of October, 1793, the prisoner had become a Delegate of the Corresponding Society; but before this time he had been active in the Southwark Society, the Address of which went a great way to justify the prosecution, in saying the Society adopted Mr. Paine's principles of active Citizenship and Representative Government. These terms and ideas bore too plain an illusion to Paine's works. The Societies had clothed their opinions in the writer's words. His Lordship noticed the proceedings of the British Convention. It appeared to him that they were preparing themselves to usurp all the powers of Government. Their conduct was an alarming exhibition of the practical result of those principles which the Societies inculcated. Parliamentary Reform was only a colour to their real intentions, as the prosecutions had, not without reason, maintained. Every thing but Parliamentary Reform was discussed by them. This, he thought, was the strongest part of the case of the prosecution. Organized as the British Convention had been, it was a subject of very serious alarm to the Government. At this period men would say, "Why do these Societies encourage all manner of attacks against the Monarchy? Why do they irritate, by all possible means, the public mind against the Legislature? Why make use of that cumbrous machine, the British Convention, swelling daily into great magnitude, unless they meant to overturn the Constitution? When the project of a Convention was talked of in England, the Societies began to assume a bolder tone of language. Great pains were again taken to irritate the public, and the prisoner was very active about this period in the Societies. At the same time the project of arming the Societies was also agitated, and pikes and other arms had been provided in small quantities. Societies had been instituted for the purpose of learning the use of arms, and this in the greatest privacy. The lectures and extraordinary con-

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versations of Mr. Thelwall were held at this time, if the witnesses were to be believed.

When all these circumstances were taken together, what could the public imagine? They would ask, did these gentlemen conduct themselves like persons wishing for a Parliamentary Reform, or a Revolution? He had looked with concern during these trials, for a satisfactory answer to this question, and he was very sorry no such answer had been given. From the want of it arose the chief imputation upon the Societies.

If their intentions had been good, they might without much difficulty have shewn them—An answer had certainly been given, and with some degree of indignation. In this there was a good deal of useful management; for when one had a weak defence to make, nothing was better than to appear bold upon it. This answer was, that the proceedings of the Societies might have been impudent, and even criminal, but they did not manifest a design to overturn the Constitution. The best way of putting the case for the prisoner was, that unless their conduct manifested the precise purpose of overturning the Government, they could not be guilty of High Treason.

His lordship remarked with astonishment the infatuation and enthusiasm of some persons who had been examined on the part of the prisoner. Young Edwards said very coolly, that he armed himself lest the Hessians might enter the interior of the country without the consent of Parliament.—Mr. Kyd, a Barrister, a man to whom persons were to look up to for advice in cases where their property, and even their lives, were at stake, swore that he thought the proceedings at the Globe Tavern were perfectly peaceable. Mr. Parkinson was of the same opinion. Good God, how could the minds of any men have been so far perverted. Eaton, and the foreman of his Jury, had been proved to have been together on the day ordained as a public fast, ridiculing the ordinances of the public authority. These men, however enthusiastic, might be entitled to credit as to the facts which they related. They all confessed that they had one common object, Parliamentary Reform, founded on Universal Suffrage and Annual Elections. Men of the first talents and judgment in the country had disapproved of such a Reform; they knew it would destroy the country by bringing it down to Republican principles. It was extraordinary, that, amidst all this mass of written evidence, no one declaration of loyal-

ty to the person of the King, or attachment to the Constitution, had appeared among the papers of the Societies.—They had not, it was true, renounced their original object, Parliamentary Reform: if they had done this, they would have been quickly deserted and abandoned by the greater part of their friends, as his Lordship was of opinion that the multitude who composed them had no bad intentions against the Constitution, whatever the leaders might have had. Tooke had said in evidence, that he thought the one third of Paine's book was bad, and that he had marked the passages. Why then had Mr. Tooke published the whole? Why had he not given to the public an antidote against the poison? He stated, that he had, personally, good reason to rejoice in the downfall of the old Government of France. This was not a reason to justify public conduct, such as the Address to the National Convention. The circumstance of Joel Barlow writing this Address, loaded it with much suspicion. The evidence in favour of the prisoner's character was very material. Considering that he was a good private man, a man of letters and education, and, above all, a British subject, his Lordship could not help blushing for him.—His character was one of those extraordinary things which puzzle the mind, the more they were examined. The strength of the prisoner's case, was the acquittals of Hardy, Tooke, &c. He was stated to have conspired with them, and they had been proved innocent. He might, however, have conspired with others not named in the indictment. If, that upon the whole of the evidence, the Jury thought the prisoner had conspired to overturn the Government, they would find him guilty; but if they were of opinion that no such conspiracy had existed; or that the prisoner was not concerned in it, supposing it to have existed, or that the matter was in either case doubtful, they would acquit him.

As soon as the Jury withdrew. which was at twelve o'clock the Lord president observed, that the Court had been insulted on the former trials, by the improper behaviour of the audience when the verdict had been given. He was sorry to say, he had observed a Barrister clapping and shouting on that occasion. He warned all present against such conduct, and assured them, that whoever expressed either satisfaction or dissatisfaction on the verdict, should, if found out, be sent to Newgate.

At 50 minutes before two o'clock. the Jury brought in their verdict—NOT GUILTY.

This verdict, notwithstanding the caution of the Lord President, was received with clapping, shouts, and huzzas. When the tumult of applause had subsided, Mr. Thelwall addressed the Court.

The emotions, he said, which he felt on the present occasion, could be more easily imagined than expressed. If a man like himself, destitute of wealth and friends, unconnected and isolated, persecuted with all the weight of power, and calumniated by all possible means—if a man so circumstanced was declared innocent, as he had been, by a Jury of his country, must he not feel that justice was inherent in the soil of Britain.

For a twelvemonth past he had been harrassed and goaded by persons whose interest it was to drive him beyond the bounds of propriety. Irritable as he was by nature, he confessed that he had been driven into intemperence in expressions that had no other object than to give vent to the warmth of the moment. With respect to treason and conspiracy, with which he had been charged, he solemnly protested that he had not been guilty, even in imagination. He appealed to posterity; and might it, he said, pronounce his memory infamous, if this declaration was not true. As to force and violence, he had never thought of them; he left it to the Lynams, the Taylors, and other informers, who had urged them forward to appeal to violence. This, said he, taking up a pen, was my only weapon; I had an instinctive abhorrence of all violent proceedings.—He said, he hoped to see the day when those instruments of destruction, guns, pikes, &c. would be abolished, and no longer make the wife a disconsolate widow, and the unprotected child an orphan—he hoped that peace would be triumphant throughout the world.

The letter to America he did not justify. There were in it violent thoughts, expressed in bombastic terms. At a future time he would, in a legal and temperate manner, explain further his conduct to the public.

The Lord President reminded him of Mr. Holcroft, who had not been permitted to address the Court at all. Your character, said his Lordship, is now clear; be on your guard in future. You have appealed to posterity, and I hope that after this your conduct will be such as to make posterity judge of you agreeably to your wishes.

Mr. Thelwall was loudly applauded at the end of every sentence of his speech.

After *Mr. Erskine* had come away from the Court, the people, who had been waiting for him in great crowds, took the horses, as usual, from his carriage, and drew him home to his house. *Mr. Erskine* then appeared in one of the front windows, and spoke to the populace, recommending them to pay due respect to the laws, and go quietly home; which request was immediately complied with by the populace, after they had expressed their approbation of *Mr. Erskine* by loud huzzas.



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